



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Paper No. 11

ADAM K SACHAROFF
MUCH SHELIST FREED DENENBERG AMENT & RUBENSTEIN PC
191 N WACKER DRIVE
SUITE 1800
CHICAGO IL 60606-1615

COPY MAILED

DEC 2 2 2003

OFFICE OF PETITIONS

In re Application of :
Shubert, et al. :
Application No. 10/087,458 :
Filed: February 27, 2002 : **DECISION ON PETITION**
Attorney Docket No. 021532-000100US:

This is a decision on the petition to revive under 37 CFR 1.137(b), pursuant to 37 CFR 1.137(f), filed October 27, 2003.

The petition is **GRANTED**.

Petitioner states that the instant application is the subject of a PCT international application filed on June 2, 2003. However, the US Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the PCT application.

In view of the above, this application became abandoned pursuant to 35 USC 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country, or under a multilateral international agreement, that requires publication of applications 18 months after filing.

A petition under 37 CFR 1.137(f) must be accompanied by:

- (1) the reply, which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m); and
- (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(f). Accordingly, the failure to timely notify the Office of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 USC 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 USC 122(b)(2)(B)(i) has been rescinded.

A Notice of Incomplete Reply was mailed on August 1, 2003. A courtesy copy is enclosed for petitioner's convenience.

The application file is being forwarded to Technology Center 3700, Group Art Unit 3732, to await for applicant's reply to the Notice of Incomplete Reply, and for resetting the period for reply to that notice to run from the mail date of this decision.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0272.



Cliff Congo
Petitions Attorney
Office of Petitions

Enc: Notice of Incomplete Reply (1 page)